

Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, the abstract of the disclosure, and claims 1-8 and 10-14 have been amended. Claim 9 has been canceled and claims 15-21 have been added. Claims 1-8 and 10-21 are now pending in the application. Claims 1, 11, and 15 are independent. The objection and rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The claims have been amended in response to the rejection under 35 U.S.C. § 112, second paragraph, and still further to more fully comply with U.S. practice. New claims 15-21 have been added to further define the scope of protection sought for Applicants' invention.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) - Tetenborg in view of WO 02/057150

35 U.S.C. § 103(a) - Tetenborg

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,873,815 to Tetenborg et al. (hereinafter "Tetenborg") in view of WO 02/057150. Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tetenborg.

With regard to claims 1-10, the Office Action acknowledges that Tetenborg "disclose[s] the bag with four walls except for the walls are connected by four seams." The Office Action relies upon WO 02/057150 for the teaching that "it is known in the bag making art to provide a film tube to produce a bag (10, fig. 4A-4B) made of four walls (14, 16, 22, 32, figs. 4A-4B) that are connected by four seams." The Office Action concludes that "it would have been obvious . . . to provide the bag of Tetenborg et al. with the bag of WIPO ('150) in order to provide a more versatile and robust bag (see page 2, lines 10-11, page 3, line 15)."

The rejections of presently pending claims 1-8 and 10 under § 103(a) over Tetenborg and WO 02/057150, and of presently pending claims 8 and 10 under § 103(a) over Tetenborg, are respectfully deemed to be obviated. For at least the following reasons, the disclosures of Tetenborg and WO 02/057150 would not have rendered obvious Applicants' claimed invention.

Claim 1 defines a process for manufacturing a bag from a polymer and/or metal film material. Claim 1 has been amended to define a process in which the bag-forming material is fed in the form of a *single film web*. Accordingly, the presently claimed process includes the steps of "feeding the bag-forming material that is in a form of a *single film web* and that is wound up on a roll to an unwinding station of a bottom forming device, *cutting the unwound film web into four film segments, connecting the four film segments* to form a film tube having four outer walls that are connected respectively by four seams, and sealing the connected film segments so as to form at least one sealed end of the bag" (emphasis added). Support for the present recitation is found at specification page 4, lines 21-26, where Applicants disclose that

The film web E is transported, as indicated by the arrow in the direction z of the axis of the film tube that is formed subsequently, and is fed by means of the deflecting rollers 3 and 4 to the cutting station 5 that is symbolized here only by the line II - II. The cutting station comprises cutting tools (not illustrated) that are used to cut the web E into the webs A, B, C and D. (Emphasis added)

The advantage of using Applicants' claimed single film web is that only a single film roll is required for the production of a film tube having four outer walls. Using only a single film roll reduces transport costs and makes it possible to easily vary the width of the walls of the bag.

The combined disclosures of Tetenborg and WO 02/057150 do not teach all of Applicants' claim features. Neither of the references teaches that the four walls are cut from a single film web. In fact, WO 02/057150 teaches the use of four separate film rolls (see, e.g., WO 02/057150 Figure 4A and the disclosure at page 10, lines 4-7, of rolls 50, 52, 54, and 56). Furthermore, there is no teaching in either Tetenborg or WO 02/057150 that would have led one to select the references and combine them, let alone in a way that would produce the invention defined by any of Applicants' pending claims.

Process claims 2-8 and 10 are allowable because they depend from claim 1, and because they each include an additional feature not taught by either Tetenborg or WO 02/057150.

Therefore, the combined disclosures of Tetenborg and WO 02/057150, or the disclosure of Tetenborg alone (claims 8 and 10), would not have rendered obvious the invention defined by any of Applicants' presently pending claims 1-8 and 10.

35 U.S.C. § 103(a) - Wessling in view of GB '264

Claims 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/0168120 of Wessling et al. ("Wessling") in view of GB 1,057,264 ("GB '264").

The Office Action acknowledges that Wessling "disclose[s] all the claimed limitations except for the tubular film is in the

form of roll." The Office Action relies upon GB '264 for the teaching that "it is known to provide tubular film in the form of roll (see fig. 1) for convenient storage, shipment and subsequent use (see page 2, line 101-105)." The Office Action concludes that "it would have been obvious . . . to provide the tubular film of Wessling et al. in the form of roll as taught by British Patent ('264) for convenient storage, shipment and subsequent use."

Claim 11 has been amended to define "a tubular film roll formed from a film tube comprising four side walls that are cut from a single film web and that are joined to one another by four seams."

The combined disclosures of Wessling and GB '264 do not teach all of Applicants' claim features. Neither of the references teaches that the four side walls are cut from a single film web. Furthermore, there is no teaching in either Wessling or GB '264 that would have led one to select the references and combine them, let alone in a way that would produce Applicants' claimed invention.

Therefore, the combined disclosures of Wessling and GB '264 would not have rendered obvious the invention defined by any of Applicants' presently pending claims 11-14.

New claims 15-21 have been added to further define the scope of protection sought for Applicants' invention. New claims 15-21 are also allowable. Since independent claim 15 includes at least the features discussed above with respect to the rejections


U.S. Appln. No.: 10/544,101
Atty. Docket No.: P70652US0

over the applied prior art, the references neither anticipate nor would have rendered obvious the method defined by new claims 15-21.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: 
Harvey B. Jacobson, Jr.
Reg. No. 20,851

400 Seventh Street, N. W.
Washington, D.C. 20004
Telephone: (202) 638-6666
Date: April 6, 2007